

Department of Health
Email: fcpdadmin@health-ni.gov.uk

31st July 2019

Dear Sir/ Madam

Information Sharing for Child Protection Purposes – consultation response

The Information Commissioner is pleased to respond to the Department of Health in Northern Ireland, regarding its consultation on 'Information Sharing for Child Protection Purposes'.

The Commissioner has responsibility for promoting and enforcing the EU General Data Protection Regulation (GDPR), the UK Data Protection Act 2018 (DPA 2018) and other information rights legislation. We welcome the opportunity to respond to the above consultation and it is acknowledged that the document sets out non-statutory draft guidance for Health and Social Care Trusts concerning the sharing of information for the purposes of child protection.

At para 3.26 of the consultation, you may wish to note that the Data Protection Act 2018 (DPA 2018) provides conditions for processing special categories of data (and criminal conviction data). In particular, Schedule 1, Part 2, paragraph 18 of the DPA 2018 provides for processing for the 'Safeguarding of children and individuals at risk' which may be useful for data controllers to refer to. Also, reference is made to the 'Assistant Information Commissioner for Scotland and Northern Ireland' and to advice previously issued by that individual in 2013. You should note that the title of 'Assistant Information Commissioner for Scotland and Northern Ireland' no longer exists. This title has subsequently been replaced with 'Head of Regions', a role which is currently occupied by Dr Ken Macdonald.

As you may be aware, the ICO's Data Sharing Code of Practice, which was prepared under the Data Protection Act 1998, has recently been revised to reflect the changes implemented by the new data protection framework under the GDPR and the Data Protection Act 2018. This code will be a statutory code for the purposes of Section 121 of the DPA 2018. Prior to drafting the code, the ICO launched a call for views in August 2018, seeking input from individuals and organisations. The [updated draft code](#) is now out for public consultation and will

remain open until 9th September 2019. You might find this document helpful in preparing your information sharing guidance; the section which deals with 'Data sharing and children' is available on p. 77 of the draft code. Furthermore, if you wish to respond to the consultation, you will find details on how to do so [here](#).

Yours sincerely



Caroline Mooney
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ICO Northern Ireland